

NOVEMBER 11, 2003

REGULAR SESSION

7:00 P.M.

Following a Work Session, the Regular Session meeting was called to order at 7:18 P.M. by Mayor Ferguson with Councilmembers Simillion, Stone, Smits and Duba present, along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Finance Director Hanson, Community Development Director Hannon, Planning Technician Stawowy, Fire Marshal Spritzer, Parks & Recreation Director Ampietro, many interested citizens and the press.

PUBLIC HEARING

7:00 P.M.

Receive Public Input on Proposed 2004 City Budget. Mayor Ferguson opened the public hearing at 7:00 P.M. and explained the hearing is to obtain public input on the proposed 2004 City Budget.

The Mayor asked for proof of publication of the hearing. The City Clerk provided proof of publication.

Finance Director Hanson came forward and reviewed the changes made to the grants and contributions line items in the budget. The Affordable Housing funds are set at \$17,500; the Tenderfoot Child and Development Center is funded at \$5,000; the Gunnison Hospice Memorial Garden is set at \$0; with the City offering in-kind services and assistance; and the Restorative Justice Program is set at \$0; with the City offering assistance with possible alternative funding sources. With these changes the net revenues over/under expenses for the general fund are \$1,202,594. With the \$1,250,000 dedicated to the community center, the remaining revenues over expenses are \$47,406. The Mayor thanked the Finance Director.

Mayor Ferguson asked for public input. Diane Lothamer, of Gunnison, came forward and addressed Council. Ms. Lothamer is also a Planning & Zoning Commissioner. She thanked Council and Staff for all of the work they put into the budget. She thanked Council for the money in the budget for updating of the City's Master Plan. It's been awhile since it was updated and there have been substantial changes that need to be addressed. She appreciates the flexibility regarding revenues and expenses, allowing flexibility considering the state of the economy. Ms. Lothamer also stated she appreciates the funding of both the City Water Attorney and Water Engineer. This helps protect the City's water rights. She also appreciates the continued funding of the water quality monitoring. Ms. Lothamer suggested getting accountability for dollars spent for economic development. The City funds economic development activities in three or four places and perhaps setting specific goals or measures could be put in place next year. She felt that one example of good economic development funding is the WSC recruiting monies. Gunnison's economy is linked with the Western's. The Mayor and Council thanked Ms. Lothamer for her comments.

Hearing no further public input, the Mayor closed the Public Hearing at 7:26 P.M.

Consent Agenda

Regular Session Minutes of October 28, 2003

License Agreement Application from the Prospector Grill, 206 N. Main Street, For a Projecting Sign and Canopy Over City Sidewalk

Mayor Ferguson stated these items have already been reviewed and can be acted upon with a single motion or vote. He asked if any Councilmember or anyone else wanted to remove an item from the consent agenda to be acted upon separately. There was no request.

Councilmember Simillion moved and Councilmember Duba seconded the motion to approve Consent Agenda items A & B as submitted.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens: C.J. Miller - Pioneer Museum Request for waiver of Building Permit Fees. C.J. Miller, Marian Hicks and Wes Bailey were present representing the Gunnison Pioneer Society and Historical Museum. Mr. Miller stated the Pioneer Museum is asking for \$500 waiver of building permit fees for building permits #206-03, the foundation permit for the Doyleville school house and #198-03, for the addition to the car barn.

Mrs. Hicks explained the Museum is well attended by tourists and therefore brings economic benefits to the City. The Pioneer Society is not asking for full waiver of all of the fees, but is rather asking the City to waive a portion of the fees. All of the money the Pioneer Museum collects is returned to the museum. The museum generates sales tax for the City from the tourists who stop.

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Mr. Bailey echoed Mrs. Hicks' comments. He cited an example of a large group of Swiss tourists who spent a good portion of a day this fall at the museum. The tourists stated it is one of the finest pioneer museums they have visited and they hope to return next year with a larger group of tourists. This is definitely an economic benefit to the City.

Mayor Ferguson and all of Council commended the Museum directors on the great job they have done in the last few years upgrading the facility. Councilmember Stone stated he likes the fact the Museum is splitting the cost and is not asking for a full waiver. He thanked Mr. Miller, Mrs. Hicks and Mr. Bailey.

Councilmember Duba moved and Councilmember Smits seconded the motion to waive \$144.24 of the building permit fees for permit #206-03 and \$355.75 from building permit #198-03, for a total waiver of \$500.00.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

Unfinished Business: Mayor Ferguson asked Council to insert Agenda Item "2004 Budget" into Unfinished Business. Council agreed.

Councilmember Stone moved and Councilmember Simillion seconded the motion to fund Affordable Housing Funds at \$17,5000, fund the Tenderfoot Child and Development Center at \$5,000, and offer in-kind services to both the Gunnison Hospice Memorial Garden and the Restorative Justice Program rather than fund their request of \$20,000 and \$5,000, respectively.

Councilmember Duba raised his concern and disappointment at the Council not being pre-disposed to fund, in some capacity, the Restorative Justice Program. He feels the program is a very worthwhile. He hopes the City will continue to help them with in-kind services, especially through the auction of surplus goods.

Councilmember Smits asked about the additional \$2,383 not specified in the Grants and Contributions line items. Finance Director Hanson replied those funds will be listed under other Grants and Contributions for distribution later in the year.

Councilmember Duba moved and Councilmember Smits seconded to amend the prior motion to include the \$2,383 in the additional grants and contributions line item. The vote is now on this amendment.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

The vote is now called for the first motion.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

New Business:

Challenge Grant Application from Gunnison Chamber of Commerce for Advertising of Winter Events in the Amount of \$1,600.00. This item was discussed at last week's Council Work Session. Planning Technician Stawowy and Chamber Director Tammy Scott came forward to answer any of Council's questions. Technician Stawowy reviewed the Challenge Grant Committee's recommendations and conditions. Councilmember Stone asked Ms. Scott if she agreed with the conditions. Ms. Scott replied yes. Councilmember Stone stated he feels these promotions, while not bringing in a lot of outside tourist sales tax dollars, causes a lot of money to be spent locally by Gunnison residents and thus generates a good deal of sales tax dollars.

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Councilmember Stone moved and Councilmember Smits seconded the motion to approve the Challenge Grant Application from the Gunnison Chamber of Commerce for advertising of winter events in the amount of \$1,600.00 with the conditions: the awarded funds will be used to purchase advertising and posters; the City of Gunnison banner will be displayed at the events; and the City's by-line will be displayed on all promotional material; and to authorize the Mayor to sign the Challenge Grant Agreement.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

Set Public Hearing for Hotel & Restaurant Liquor License Application for Backyard Bar-B-Que, Inc., dba Backyard Bar-B-Que, 800 N. Main Street.

City Clerk Davidson informed Council the City Attorney has completed his review of the application and the deficiencies he cited would be corrected prior to the public hearing. All of the other reviews, by the Building Official, Police Chief, Fire Marshal and the Colorado Bureau of Investigation are underway. The premises will be posted as required. She asked the public hearing be set for December 9, 2003, at 7:10 P.M.

Councilmember Stone moved and Councilmember Smits seconded the motion set the public hearing for the Hotel & Restaurant Liquor License Application for Backyard Bar-B-Que, Inc., dba Backyard Bar-B-Que, 800 N. Main Street, for December 9, 2003, at 7:10 P.M.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba,. So carried.

Roll call vote, no: None.

Set Public Hearing for Tavern Liquor License Application for JLM Group, Inc., dba Hanger Bar & Grill, 711 W. Rio Grande Ave. (Gunnison/CB Regional Airport).

City Clerk Davidson informed Council the City Attorney has completed his review of the application and the deficiencies he cited would be corrected prior to the public hearing. All of the other reviews, by the Building Official, Police Chief, Fire Marshal and the Colorado Bureau of Investigation are underway. The premises will be posted as required. This application is also being concurrently reviewed by the State of Colorado so that once the application is approved by Council, the license can be issued prior to jet service commencing for the winter. She asked the public hearing be set for December 9, 2003, at 7:20 P.M.

Councilmember Stone moved and Councilmember Simillion seconded the motion to set the public hearing for the Tavern Liquor License Application for JLM Group, Inc., dba Hanger Bar & Grill, 711 W. Rio Grande Avenue in the Gunnison/Crested Butte Regional Airport for December 9, 2003, at 7:20 P.M. following the prior public hearing.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 13, Series 2003, Re: Siting of Sexually Oriented Businesses, 2nd Reading.

Councilmember Stone introduced Ordinance No. 13, Series 2003, and it was read by title only by the City Attorney.

Councilmember Stone moved and Councilmember Simillion seconded the motion that Ordinance No. 13, Series 2003, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING CHAPTER 15 OF THE CITY CODE OF THE CITY OF GUNNISON ENTITLED "LAND DEVELOPMENT CODE", ESTABLISHING DEFINITIONS AND LOCATIONAL STANDARDS FOR SEXUALLY ORIENTED BUSINESSES WITHIN THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and adopted on second reading this 11th day of November, 2003.

This ordinance was discussed at length at the Work Session prior to this Regular Session. Councilmember Duba asked the City Attorney if this ordinance can be changed. City Attorney Landwehr stated yes, it can be changed or amended at any time in the future. Councilmember Duba stated he would like to investigate the merits of buffering these types of businesses from commercial hotel businesses.

Councilmember Stone stated these issues can be looked at in the Master Plan review and updating process that will take place in 2004. He feels this ordinance should be passed now because the City has no ordinance in place to prevent a sexually oriented business from moving into any location in the commercial district, including downtown, today. We need this in place to prevent that from happening.

Councilmember Smits stated this ordinance has been a three year process and we need to get this ordinance on the books now. He thanked everyone present for their input and stated their input would be considered in the Master Plan updating process.

Mayor Ferguson thanked everyone, especially Pastor Ed Slaughenhaupt, for all of their work and investigations into this issue. He concurs that we need to get this ordinance on the books now and deal with the additional issues through the Master Plan process.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

Resolution No. 17, Series 2003, Re: Consenting to the County's Establishment of a Mosquito Control Area and Assessing a Portion of the Cost Thereof.

Councilmember Stone introduced Resolution No. 17, Series 2003, and it was read by title only by the City Attorney.

Councilmember Simillion moved and Councilmember Smits seconded the motion that Resolution No. 17, Series 2003, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, CONSENTING TO THE APPLICATION OF ORDINANCE NO. 11, OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY CONCERNING ESTABLISHMENT OF A MOSQUITO CONTROL AREA AND ASSESSING A PORTION OF THE COST THEREOF**, be introduced, read, passed and adopted this 11th day of November, 2003.

City Manager Collins stated he heard from the County Attorney and the present mosquito control district agreement expires January 2004. There is \$12,156 budgeted in the 2004 budget for this district. This mosquito control is especially important now with the threat of West Nile Virus.

City Attorney Landwehr stated in the past the agreement was for a four-year term. This one has no sunset but is contingent upon the City budgeting the required funds every year.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

Resolution No. 18, Series 2003, Re: Authorizing the City's Acquisition of the Gunnison Firehouse and Property from Gunnison County as Tenants in Common with the Gunnison County Fire Protection District and Approving an Intergovernmental Agreement Between the City and the Gunnison County Fire Protection District for Shared Costs.

Councilmember Smits introduced Resolution No. 18, Series 2003, and it was read by title only by the City Attorney.

Councilmember Smits moved and Councilmember Stone seconded the motion that Resolution No. 18, Series 2003, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AUTHORIZING THE ACQUISITION BY THE CITY OF GUNNISON FROM THE COUNTY OF GUNNISON OF LOTS 1 THROUGH 5, BOTH INCLUSIVE, BLOCK 143, WEST GUNNISON AMENDED, AS TENANTS IN COMMON WITH THE GUNNISON COUNTY FIRE PROTECTION DISTRICT, AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GUNNISON AND THE GUNNISON COUNTY FIRE PROTECTION DISTRICT FOR THE SHARED COST OF OPERATION AND MAINTENANCE OF THE FIRE DEPARTMENT IMPROVEMENTS LOCATED THEREON**, be introduced, read, passed and adopted this 11th day of November, 2003.

Mayor Ferguson thanked Fire Marshal Spritzer and City Attorney Landwehr for their work on this issue and we are one step closer to the acquisition of the property.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

Resolution No. 19, Series 2003, Re: Declaring the City's Master Plan in Compliance with Colorado Revised Statutes 31-23-206(5).

Councilmember Duba introduced Resolution No. 19, Series 2003, and it was read by title only by the City Attorney.

Councilmember Duba moved and Councilmember Simillion seconded the motion that Resolution No. 19, Series 2003, **A RESOLUTION DECLARING GUNNISON CITY COUNCIL'S STATEMENT OF COMPLIANCE WITH COLORADO REVISED STATUTES 31-23-206(5), CONCERNING THE MANDATORY ADOPTION OF LOCAL GOVERNMENT MASTER PLANS**, be introduced, read, passed and adopted this 11th day of November, 2003.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

City Attorney: Nothing to report.

City Manager Mark Collins: Reported on four items. 1. He attended the joint RTA/Tourism Association meeting. He is routing information and his notes from the meeting on to Council. If Council has any questions please contact him. The RTA explained how the subsidies and minimum seat guarantees work. Consultant Kent Meyers was present at the meeting. 2. Staff will next week be developing the RFP for the architectural services for the Community Center. They will then advertise in professional journals and will have a three week window to receive proposals back. They will be asking for subcommittee members to interview the architects and would like a Council representative. The interviews should take place in one day. 3. Staff's monthly reports have gone out to Council and if anyone has any questions to please contact that staff member. 4. And lastly, he will be attending an employment law workshop tomorrow in Colorado Springs and the CML Policy meeting in Denver on Thursday.

Acting City Manager:. Finance Director Hanson: Nothing to report at this time.

City Clerk Davidson: Reminded Council about the Youth City Council Silent Auction fundraiser at 6:00 P.M. on Saturday, November 15, at the Gunnison Arts Center. Council is welcome to attend.

Non-Scheduled Citizens: None.

General Discussion/Items for Work Sessions:

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Adjourn to Executive Session: Mayor Ferguson stated in compliance with H.B. 01-1359, the purpose of the Executive Session is to discuss, with the City Attorney, the sale of real property as outlined under C.R.S. Section 24-6-402(4)(a), more particularly described as the properties authorized for sale by the City of Gunnison electorate at the May 13, 2003, General Municipal Election. No action will be taken during the Executive Session.

Councilmember Stone moved and Councilmember Simillion seconded the motion is adjourn to Executive Session to discuss, with the City Attorney, the sale of real property as outlined under C.R.S. Section 24-6-402(4)(a), more particularly described as the properties authorized for sale by the City of Gunnison electorate at the May 13, 2003, General Municipal Election, and that no action will be taken during the Executive Session.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

The meeting adjourned to Executive Session at 8:10 P.M.

The Regular Session reconvened at 8:42 P.M. The Mayor stated no action took place during the Executive Session.

Adjournment: The meeting adjourned at 8:42 P.M.

Mayor

City Clerk